REMARKS

This RCE and submission is in response to the final Office Action mailed January 20, 2011 in which Claims 43 and 46-48 were allowed and Claims 39-42, 44, 45 and 49-58 were rejected under 35 U.S.C. 112, first paragraph.

The Claims

Claims 39-58 are currently pending in the application. Applicant has presently cancelled Claims 40, 42, 44, 49-51 and 53-54 without prejudice or disclaimer and has added new claims 55, 57 and 61. Upon entry of these amendments, Claims 39, 41, 43, 45-48, 52 and 55-61 will be pending in the application with Claims 43 and 46-48 being the allowed claims.

The following claim amendments have been introduced:

Claims 41 and 48 have been amended to recite "a nucleotide sequence as set forth in Figure 12A (SEQ ID NO: 16) from nucleotides 1 to 909 inclusive". Support for these amendments is found in Figure 12A of the specification.

Claims 46 and 47 have been amended to recite "CRP1 of SEQ ID NO: 22".

Claim 60 has been amended to recite "isolating the polypeptide from the culture or the host cell". Support for this amendment is found at page 34, lines 20-25, and page 37, lines 6-16.

The remaining claim amendments have been introduced to correct claim dependencies.

New Claims 55, 57 and 61 have been added. New Claim 55 recites "an expression vector comprising the nucleic acid molecule of claim 52". Support for this claim is found at page 28, lines 17-24 of the specification. New Claim 57 recites "a host cell comprising the expression vector of claim 55". Support for this claim is found at page 34, lines 11-16 of the specification. New Claim 61 recites "a process for producing an extracellular domain of B7RP1 as set forth in Figure 12A (SEQ ID NO: 17) or a fragment thereof". Support for this claim is found at page 34, lines 20-25; page 40, starting at line 10 which

discusses the term "B7RP1 polypeptide", and page 41, lines 4-8 which discusses certain B7RP1 polypeptide fragments.

Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement (Form SB-08) containing patent and non-patent documents and request that the references cited therein be considered and made of record in the present application.

Objections to the Specification

The specification was objected to for lacking the current status of the priority documents referred to in the statement of related U.S. applications. At page 2 of this response, Applicant has amended the specification to update the status of applications to which priority is claimed.

Current status of claim rejections

In the Office Action mailed January 20, 2011, the Examiner has withdrawn the previous rejections under the following sections: 35 U.S.C. 112, second paragraph; 35 U.S.C. 112: first paragraph, written description and enablement, with respect to the recitation of "CRP1" and "B7RP1"; 35 U.S.C. 102(a), 102(b) and 103(a); and the judicially created doctrine of obviousness-type double patenting.

Rejections under 35 U.S.C. 112, first paragraph

The Examiner has rejected Claims 39, 41, 45, 49-52 and 54-58 under 35 U.S.C. 112, first paragraph, as the specification allegedly does not contain a written description of the claimed invention and does not reasonably convey to one skilled in the art that the inventor had possession of the claimed invention.

In Claim 39, the Examiner alleges that there is insufficient written description for "at least about 100 residues of SEQ ID NO: 7". Support for this part of Claim 39 is found at page 5, lines 21-23 and page 6, lines 27-29 of the specification.

On page 4 of the present Office Action, the Examiner alleges that "page 5, lines 21-23 of the specification does not describe SEQ ID NO: 7". In fact, page 5, lines 21-23 of the specification describes "a nucleotide sequence of (b), (c) or (d) encoding a polypeptide fragment of at least about 25, 50, 75, 100 or greater than 100 amino acid residues", where part (b) describes in part "the nucleotide sequence encoding the polypeptide as set forth in Figure 2A (SEQ ID NO: 6) from residues 1-322 or from residues 47-322" (see page 5, lines 4-6). A person skilled in the art reading this disclosure would understand to read the description at page 5, lines 4-6 together with the description at page 5, lines 21-23 since there is a specific reference linking these two sections. In doing so, it would be clear that that the inventor had possession of the invention claimed in Claim 39. Although the description at page 5, lines 4-6 refers to SEQ ID NO: 6 rather than SEQ ID NO: 7, it would be readily apparent to one skilled in the art that the specification refers to the polypeptide sequence encoded by the nucleotide sequence of SEQ ID NO: 6 and that this polypeptide sequence is identical in both SEQ ID NO: 6 and SEQ ID NO: 7. Moreover, both Claim 39 and the description at page 5, lines 4-6 refer to the polypeptide of Figure 2A, which has the same amino acid sequence as shown in SEQ ID NO: 7. The rejection should be withdrawn.

In Claims 41 and 45, the Examiner alleges that there is insufficient written description for "residues 19-302, 20-302, 21-302, 22-302, 24-302 or 28-302" in the context of SEQ ID NO: 17". Support for this part of Claims 41 and 45 is found at page 5, lines 9-11 and original Claim 2 of the specification. The specification describes "the nucleotide sequence encoding the polypeptide ... as set forth in Figure 12A (SEQ ID NO: 16) from residues 1-302 or from residues 19-302, 20-302, 21-302, 22-302, 24-302 or 28-302." Although the description at page 5, lines 9-11 refers to SEQ ID NO: 16 rather than SEQ ID NO: 17, it would be readily apparent to one skilled in the art that the specification refers to the polypeptide sequence encoded by the nucleotide sequence of SEQ ID NO: 16 and that this polypeptide sequence is identical in both SEQ ID NO: 16 and SEQ ID NO: 17. Moreover, both Claims 41 and 45 and the description at page 5, lines 9-11 refer to the polypeptide of Figure 12A, which has the same amino acid sequence as shown in SEQ ID NO: 17. The rejection should be withdrawn.

In Claim 47, the Examiner alleges that there is insufficient written description for "comprising a carboxy terminus at residue 302". Support for this part of Claim 47 is found at page 5, lines 9-11, page 91, lines 7-8, Figure 12A, and original Claim 2 of the specification. Applicant notes that Claim 47 was previously amended to recite "with a carboxy terminus at residue 302" rather than "comprising a carboxy terminus at residue 302". As indicated in the previous paragraph, the specification at page 5, lines 9-11

clearly discloses a polypeptide as set forth in Figure 12A (SEQ ID NO: 16) from residues 1-302 or from residues 19-302, 20-302, 21-302, 22-302, 24-302 or 28-302, which the skilled person would understand as a polypeptide having a carboxy terminus at residue 302. The polypeptide encoded by the nucleotide sequence of SEQ ID NO: 16 has the same amino acid sequence as that of SEQ ID NO: 17. In addition, the description at page 91, lines 7-8 indicates that "[t]the full-length of the human B7RP1 protein is 302 amino acids" again indicating to the skilled person that the carboxy terminus is at residue 302. The amino acid sequence of human B7RP1 is shown in Figure 12A (see page 14, lines 32-33). The rejection may be withdrawn.

In Claim 51, the Examiner alleges that there is insufficient written description for "at least about 50 amino acid residues ... at least about 95% identical to an amino acid sequence as set forth in Figure 12A (SEQ ID NO: 17). Without acquiescing to the rejection, Applicant has cancelled Claim 51, thereby rendering the rejection moot.

In Claims 49-51, the Examiner alleges that there is insufficient written description for "Accession No. R23544". Without acquiescing to the rejection, Applicant has canelled Claims 49-51, thereby rendering the rejection moot.

The Examiner has rejected Claims 40, 42, 44, 49-51, 53 and 55-58 under 35 U.S.C. 112, first paragraph, as the specification allegedly does not contain a written description of the claimed invention and does not reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. The Examiner alleges that the nucleotide sequence of GenBank Accession No. AB014533 is required to practice the claimed invention and Applicant is required to amend the disclosure to include the material incorporated by reference.

Without acquiescing to the rejection, Claims 40, 42, 44 and 49-51, which recite "wherein the nucleotide sequence is not the nucleotide sequence of GenBank Accession No. AB014533", have been cancelled without prejudice or disclaimer, thereby rendering the rejection moot.

CONCLUSION

Claims 39, 41, 43, 45-48, 52 and 55-61 are believed to be in condition for allowance and a notice thereof is solicited.

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